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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,382	11/29/2000	Robert P. Hale	042390.P6770	7418

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EXAMINER

CONNOLLY, MARK A

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,382

Applicant(s)

HALE, ROBERT P.

Examiner

Mark Connolly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7, 14-16 and 22-24 is/are allowed.
- 6) ☒ Claim(s) 8-13, 17-21 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-5 and 7-28 have been presented for examination.
2. Applicant's arguments with respect to claims 8-13 and 17-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-13, 17-21 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tate et al [Tate] US Pat No 6493751 in view of Western Digital¹ [WD].
5. Referring to claim 8, Tate teaches transferring system configuration settings from a first computer to a second computer [col. 6 lines 23-26 and col. 14 lines 38-46]. Tate does not though teach generating a first signal defining a location and length of the configuration setting and that the first signal is cross platform encoded. WD teaches a first signal that is cross-platform encoded and that also defines a location and length of configuration setting data stored on a first computer. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teachings of WD into the Tate system because Tate explicitly states that the configuration settings can be transferred to another computer through downloading via a web site and WD teaches a web site which can be used to download those configuration settings. The configuration settings within the profiles taught by Tate are interpreted as system configuration

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settings because they are settings which a system uses to connect to a network, the Internet, etc...

Because the Tate-WD system is configured according to the system configuration settings, it should be apparent that those system configuration settings ultimately determine various settings within the Tate-WD system wherein determine means "to be the cause of." Furthermore, Tate explicitly teaches that changes in configuration require a reboot [col. 13 lines 39-46]. This suggests that configuration settings are applied before or during the booting of the system because if this were not the case, than a reboot would not be necessary.

6. Referring to claim 9, WD teaches an HTML web page which inherently comprises NAME and VALUE fields because NAME and VALUE fields are used in HTML coding.

7. Referring to claim 10, the web page from which the system configuration settings are downloaded from must be accessed by a web browser, which are well known to execute in cooperation with an operating system.

8. Referring to claim 11, this is rejected on the same basis as set forth hereinabove. Using a first signal to transfer a second signal to a first computer from a second computer is interpreted as a first computer applying the first signal to read the configuration setting.

9. Referring to claim 12, Tate teaches that the system can import and export configuration settings to other computers [col. 14 lines 38-46]. In addition, the Tate system is also provided a means to edit the configuration settings [fig. 9]. This suggests that both a first and second computers can both send and receive configuration settings to and from each other and edit those configuration settings. Therefore the WD-Tate system implicitly teaches that the first computer,

¹ As provided in the previous Office Action

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after receiving the configurations from a second computer, could alter some configurations and transmit the configurations back to a second computer system.

10. Referring to claims 13 and 17-21, these are rejected on the same basis as set forth hereinabove. WD and Tate teach the method and therefore teach the article performing the method.

11. Referring to claim 25, Tate teaches that the resources controlled by the configuration settings comprise I/O ports [fig. 7 and col. 11 lines 10-27]. Specifying certain ports to be used for communications is interpreted as controlling those ports.

12. Referring to claims 26-28, these are rejected on the same basis as set forth hereinabove.

Allowable Subject Matter

13. Claims 1-5, 7, 14-16 and 22-24 allowed.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

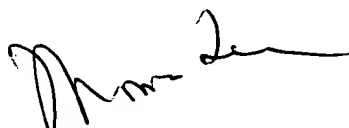
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (571) 272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Connolly
Examiner
Art Unit 2115

mc
August 3, 2005


THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100